

Exhibit E

1 UNITED STATES DISTRICT COURT

2 For the Eastern District of New York

3 Civil Action No 16-cv-5151

4 -----X

5 RIVKA REICHMANN

6 Plaintiff

7 V.

8 WHIRLPOOL CORPORATION and KITCHENAID, INC.,

9 -----

10 D E P O S I T I O N, of DR. BRIAN D. GREENWALD.

11 The stenographic notes of the proceedings in the

12 above-entitled matter, as taken by and before, TRACY

13 COOK, a Certified Court Reporter and Notary Public of

14 the State of New Jersey, held at the offices of REGUS,

15 33 Wood Avenue South Iselin, New Jersey 08830 on Friday,

16 September 14, 2018, commencing at approximately 3:06 in

17 the afternoon.

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24 Job No. CS3008184

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<p style="text-align: right;">2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 POSNER LAW PLLC</p> <p>4 Attorneys for the Plaintiff</p> <p>5 270 Madison Avenue</p> <p>6 New York, New York 10016</p> <p>7 BY: GABRIEL POSNER, ESQ.</p> <p>8</p> <p>9 NELSON MULLINS RILEY & SCARBOROUGH LLP</p> <p>10 Attorneys for the Defendants</p> <p>11 1320 Main Street</p> <p>12 Columbia, South Carolina 29201</p> <p>13 BY: ROBERT FOSTER, ESQ.</p> <p>14 (VIA TELEPHONE)</p> <p>15</p> <p>16 ALSO PRESENT: KENNETH GOLDBLATT, ESQ.</p> <p>17 (VIA TELEPHONE)</p> <p>18</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 BRIAN GREENWALD, called as a witness,</p> <p>2 having been first duly sworn by a Notary Public of the</p> <p>3 State of New Jersey, was examined and testified as</p> <p>4 follows:</p> <p>5 DIRECT EXAMINATION BY MR. FOSTER:</p> <p>6 Q. Good afternoon, Dr. Greenwald. This is Robert</p> <p>7 Foster, lawyer for Whirlpool Corporation in Columbia,</p> <p>8 South Carolina.</p> <p>9 A. Good afternoon.</p> <p>10 Q. I know from looking at your report in which you</p> <p>11 attached, I guess it's your CV. You attached your</p> <p>12 five-year list of cases and trials and depositions that</p> <p>13 you are familiar with this deposition process; is that</p> <p>14 fair to say?</p> <p>15 A. That is fair to say.</p> <p>16 Q. Okay. So otherwise, I know you know the rules,</p> <p>17 but if for any reason you don't understand my question,</p> <p>18 please feel free to let me know and I will try to</p> <p>19 rephrase it so you can understand what I'm asking. I</p> <p>20 was planning to be there up in New Jersey so we could</p> <p>21 make this a little easier but I ended up having to</p> <p>22 cancel my trip because of this hurricane down here so</p> <p>23 this will be a little more awkward to try to ask you</p> <p>24 questions about your file, but we worked through it this</p> <p>25 morning. I think we'll be fine this afternoon.</p>
<p style="text-align: right;">3</p> <p>1 INDEX OF WITNESS</p> <p>2 WITNESS DIRECT CROSS REDIRECT RECROSS</p> <p>3 DR. BRIAN D. GREENWALD</p> <p>4 MR. FOSTER 4</p> <p>5 INDEX OF EXHIBITS</p> <p>6</p> <p>7 EXHIBIT EXHIBIT PAGE</p> <p>8 NUMBER DESCRIPTION</p> <p>9 1 subpoena 9</p> <p>10 2 CV 9</p> <p>11 3-4 reports 10</p> <p>12 5 flash drive 58 (Retained by counsel.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 A. No problem. If you come to New Jersey this next</p> <p>2 time, I will take you out to dinner afterwards.</p> <p>3 Q. Good, good. Because if I had come up there</p> <p>4 yesterday, I'd probably be stuck there for about three</p> <p>5 nights. So I think the first thing, and does the court</p> <p>6 reporter, do you have the three exhibits that we sent</p> <p>7 ahead of time? Let's just look at Exhibit Number 1 and</p> <p>8 attached to Exhibit -- which is the subpoena for Dr.</p> <p>9 Greenwald. And attached to number one is something</p> <p>10 called Schedule A. And all I really need to know, Dr.</p> <p>11 Greenwald, did you bring your file with you here today?</p> <p>12 A. Yes, I have all the records that I was supplied</p> <p>13 in the letters that I was sent by Mr. Posner with me.</p> <p>14 They are all electronically with me on my computer. To</p> <p>15 be the nice person that I am, I also brought them all on</p> <p>16 a flash drive which I would be happy to supply to you.</p> <p>17 Q. Good, good. So just so I could understand what</p> <p>18 you have. We might be looking at some of the medical</p> <p>19 records but can you just start by telling me the</p> <p>20 category of documents that you have as part of your</p> <p>21 file?</p> <p>22 A. Sure. So if you look at my report, it would be</p> <p>23 basically, you know, 1 to 21 and then --</p> <p>24 Q. Okay.</p> <p>25 A. And then in addition to that, I also have -- I</p>

2 (Pages 2 to 5)

<p style="text-align: right;">54</p> <p>1 A. It would be one of her treating clinicians. I</p> <p>2 believe it was Dr. Braunstein, yes.</p> <p>3 Q. Alright. So that's the -- let's go back to that.</p> <p>4 Okay. So that was ENG. Now, the EEG, was that also</p> <p>5 performed by Dr. Braunstein or ordered by Dr.</p> <p>6 Braunstein?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And what objective evidence of brain</p> <p>9 disfunction is on the EEG?</p> <p>10 A. So if you look at page six of my report towards</p> <p>11 the middle of the page, talks that about an EMG was</p> <p>12 performed on 4/6/2016 for history of fatigue and to rule</p> <p>13 out seizures. It talks about the study was abnormal.</p> <p>14 That talks about it was consistent with a toxic</p> <p>15 metabolic or diffuse ischemic event but clinical</p> <p>16 correlation was recommended.</p> <p>17 Q. Okay.</p> <p>18 A. So clearly this lady was not suffering from any</p> <p>19 toxic metabolic or diffuse ischemic event but as we know</p> <p>20 well, she was suffering from a concussion or a traumatic</p> <p>21 brain injury as is nicely described by Dr. Braunstein in</p> <p>22 I believe it's her records.</p> <p>23 Q. And did you actually review the documentation</p> <p>24 that made up the EEG when you made these comments?</p> <p>25 A. No.</p>	<p style="text-align: right;">56</p> <p>1 directly?</p> <p>2 A. I did not. That's correct.</p> <p>3 Q. Okay. I'm looking over my notes right now,</p> <p>4 Doctor. Meanwhile, did Ms. Reichmann or Mr. Reichmann</p> <p>5 report to you that Mrs. Reichmann had some attention</p> <p>6 deficit type symptoms, ADHD?</p> <p>7 A. Um, the only thing that they would have told me</p> <p>8 it would be all here in my interview and examination.</p> <p>9 Q. Okay. I don't remember seeing that one way or</p> <p>10 the other. So I was just asking if you remember</p> <p>11 anything about that?</p> <p>12 A. Let me take a look. So they talked about</p> <p>13 impaired cognition and difficulty reading and how she</p> <p>14 had been an excellent multi-tasker prior to the</p> <p>15 injuries. I asked her specifically if she had ever been</p> <p>16 diagnosed or treated for attention deficit hyperactivity</p> <p>17 disorder which she said she had not been. And yes, and</p> <p>18 then in my repeat interview and examination her past</p> <p>19 medical is unchanged.</p> <p>20 Q. Okay. Alright so what I think all I need to do</p> <p>21 is just make sure I guess I get the file materials that</p> <p>22 I don't currently have. So let's kind of wrap it up. I</p> <p>23 guess what we'll do with the reference are attached to</p> <p>24 your report I guess I will send the letter to Mr. Posner</p> <p>25 and ask that he, I'm assuming you can print a copy of</p>
<p style="text-align: right;">55</p> <p>1 Q. Or was this just taken?</p> <p>2 A. It's just taken so these, I know it's so</p> <p>3 important that we talk about objective evidence here so</p> <p>4 these were --</p> <p>5 Q. Right.</p> <p>6 A. Two pieces of objective evidence prior to the --</p> <p>7 to the, you know, to the smoking gun of MRI with DTI</p> <p>8 that we looked at.</p> <p>9 Q. Okay. So alright. So my question was, you</p> <p>10 didn't get a copy of the entire EEG and look at it to</p> <p>11 confirm for yourself whether there was any abnormal</p> <p>12 findings?</p> <p>13 A. No, I did not.</p> <p>14 Q. Okay. Alright. That is just taken from Dr.</p> <p>15 Braunstein's report?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. When you were examining Ms. Reichmann, did</p> <p>18 you recommend to her any future medical treatment for</p> <p>19 her condition?</p> <p>20 A. No. I was not a treating clinician. I put it</p> <p>21 here into this report.</p> <p>22 Q. So, you put into the report when we get to page</p> <p>23 25, future medical needs. And you outline one through</p> <p>24 seven but you didn't actually make any of those</p> <p>25 recommendations for treatment or rehabilitation to her</p>	<p style="text-align: right;">57</p> <p>1 all these references pretty readily.</p> <p>2 A. I'm more of a digital guy. I will make sure to</p> <p>3 send those digitally over and you guys could decide.</p> <p>4 Q. Sure.</p> <p>5 A. How you like to do it.</p> <p>6 Q. I mean, digital is fine.</p> <p>7 A. Yes. I have easy access to those references. So</p> <p>8 I would be happy to provide those to you. Just make an</p> <p>9 official request through Mr. Posner and I can guarantee</p> <p>10 it will probably be after the Jewish holiday on</p> <p>11 Wednesday but I can guarantee you have them.</p> <p>12 Q. Okay. Now, other than the references, is there</p> <p>13 any other material in your file that you have brought</p> <p>14 with you today, other than the medical records that we</p> <p>15 have already talked about?</p> <p>16 A. Right and answer is just those two cover letters</p> <p>17 that we were talking about from Mr. Posner's office. I</p> <p>18 think other than that, it is just really medical</p> <p>19 records.</p> <p>20 Q. Okay. So if you could, do you have those? The</p> <p>21 correspondence from Mr. Posner's office right there?</p> <p>22 A. All I have with me is a flash drive that has all</p> <p>23 this information on it. Just so digital. The whole</p> <p>24 hospital is so digital. I try to do as little on paper</p> <p>25 as I can.</p>

15 (Pages 54 to 57)